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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/706,024

11/12/2003

Wilton W. Webster JR.

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EXAMINER

CAZAN, LIVIUS RADU

ART UNIT

PAPER NUMBER

3729

MAIL DATE

DELIVERY MODE

06/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/706,024	Applicant(s) WEBSTER ET AL.	
	Examiner LIVIOUS R. CAZAN	Art Unit 3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 1-7 and 9** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the specification does not appear to provide support for the limitation "heating block or rod positioned inside the shaft". The passage cited by Applicant (line 30 on page 5 to line 5 on page 6) only refers to a block or rod having "a cradle 20 to receive the portion of the tip section", not to one positioned inside the shaft. As such, this limitation constitutes new matter. See the *Response to Arguments* below.

Claim Rejections - 35 USC § 103

3. **Claims 10** is rejected under 35 U.S.C. 103(a) as unpatentable over Griffin (US6144870) in view of Houser (US5855552). Davies et al. ("The Rate Dependence of Confor Polyurethane Foams") is used as extrinsic evidence.
4. Griffin discloses substantially the claimed invention, as discussed in the Office Action mailed on 5/8/2008.

Art Unit: 3729

5. However, Griffin does not disclose internally heating the shaft of the tip section so as to soften the material thereof, the heating being performed using a heating block or rod.

6. Griffin does internally heat the shaft, so as to soften it, to facilitate embedment of the wire into the shaft (see col. 4, lns 33-43).

7. Houser is concerned with making a catheter in a manner similar to that of Griffin, and discloses a heating device (32A, Fig. 10) which can be used to apply heat at a particular location along the shaft of the catheter.

8. Since Griffin and Houser are in the same field of art, and since the heater shown in Houser could clearly be used to supply the heat needed to soften the shaft of Griffin, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to utilize this or a similar heating device in the claimed manner, in order to simplify manufacturing by utilizing tools already available in the art. Moreover, the particular structure of the heater of Houser provides for a uniform heating around the shaft, which would ensure no area of the shaft receives too much or too little heat.

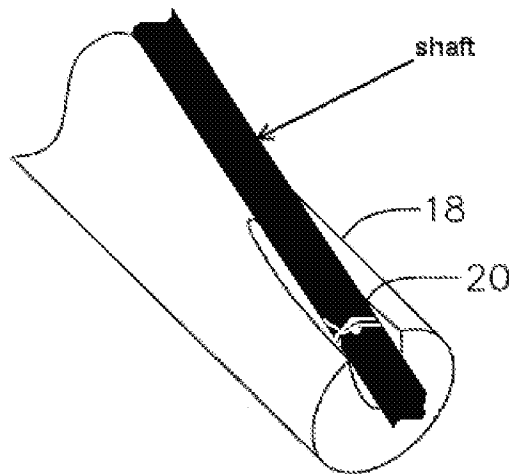
Response to Arguments

9. Applicant's arguments filed 2/24/2010 have been fully considered but they are not persuasive.

10. In particular, with respect to claims 1-7 and 9, Applicant argues that "because the heating block or rod 18 is depicted as a solid member, and it is described as including a cradle for receiving a portion of the tip section, it can only heat the shaft by being inserted inside the shaft."

Art Unit: 3729

11. The Examiner most respectfully disagrees. The term “cradle” implies something rests within it. As pointed out by Applicant, the specification states cradle 20 is *for receiving a portion of the tip section* adjacent the exit hole. One of ordinary skill in the art would understand this to mean something similar to the figure below, where the outside of the shaft is received within the cradle. Moreover, the shaft is shown in Fig. 1b as having some sort of separating wall along its middle, defining lumen 12, which would require a heating block or rod that fits within a lumen. Further, even if the block or rod is inserted within the shaft, it is unclear what purpose the cradle would serve in such a situation or how the cradle receives the portion of the tip section. There is simply no support in the specification for Applicant's interpretation.



12. Regarding claim 10, Applicant argues the heating device of Houser cannot heat the shaft of the tip section during wrapping, since it would prevent access to the shaft during heating.

Art Unit: 3729

13. The Examiner respectfully disagrees. Claim 10 does not necessarily require heating during wrapping. Rather, as currently presented, claim 10 requires the shaft of the tip section to be heated sufficiently to soften the material of the tip section shaft. The phrase "is heated" does not necessarily imply a step of heating, but, rather, it can be interpreted to mean it is sufficiently hot, i.e. it has been heated to a sufficiently high temperature. The actual heating can take place prior to the wrapping step, as long as the material is heated sufficiently to soften it. Moreover, even in Applicant's invention, the heating device is external (see rejection under 35 U.S.C. 112, 1st paragraph), and a similar issue would arise if the wrapping is literally performed while the shaft is resting in the cradle. Rather, "during wrapping" is interpreted as meaning "during the wrapping step." At page 5, lines 21-27, the specification discusses wrapping the wire, followed by heating the shaft to soften it, and thereafter pulling the lead 16 to tighten it and embed it into the side surface of the tip shaft. This entire operation is deemed to constitute the wrapping step, even though the wrapping per se is completed prior to heating, since all of the various operations (i.e. wrapping, heating, pulling) result in attachment of the wire to the shaft. Griffin likewise discloses heating the shaft to soften it so as to allow the wire to be embedded into the shaft material, which can be considered to be during the wrapping operation, since the heating is necessary for completing the attaching of the wire.

14. It should further be noted that Applicant's amendment is noncompliant. In particular, Applicant presented the same claim 1 as submitted in the amendment filed

Art Unit: 3729

9/3/2009. The status identifier should be "Previously Presented" and no portions of the claim should be underlined.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIVIUS R. CAZAN whose telephone number is (571)272-8032. The examiner can normally be reached on M-F 6:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DERRIS H. BANKS can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. Dexter Tugbang/
Primary Examiner
Art Unit 3729

L. R. C./ 6/2/2010
Examiner, Art Unit 3729